15 COURT FEE 15 Rs.
भारत INDIA
पन्द्रह रुपये FIFTEEN RUPEES
CANCELLED

(3) dist

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

CIVIL REVISION 173 /2003 S.B. Single Bench

(CIVIL REVISION UNDER SECTION 115 C.P.C.

Valued at Rs. 25300/-)

APPLICANTS:

L.Rs of
PLAINTIFF

1. Bal Krishna Pandey s/o Late Uma Shanker Pandey, aged 40 yrs, R/o Katiyachak, Allhabad Hall Mukam Mishra Medical Store near by Gayatri Mandir, Padimar, Balco Nagar, Distt. Korba(C.G.)

2. Smt. Sushilla Mishra w/o Kripa Shankar Mishra, R/o Padimar, Bhadra Para, Balco Distt. Korba (C.G.).

3. Smt. Girija Shukla w/o Shri Hari Prasad Shukla, aged 50 yr., R/o Ward No. 41/251 Mukta Nagar, Distt. Durg

P.R. No. 1033/03 Presented by Shri Bhajkant Tiwari dated 25/04/03

RECEIVED COPY. 25/4/03 CLERK TO A.G. BILASPUR

Vs.

NON/APPLICANT-RESPONDENTS :
L.Rs. of Defendant No.1

R 1. Smt. Lailly Bibi, aged about 50 years, w/o Late Shri Abbdul Muraf

R 2. Shekh Abbdul Sattar, aged about 65 years, s/o Late Shri Noor Ali

R 3. Shekh Hassan, aged about 64 years, s/o Late Shri Noor Ali.

R 4. Sheikh Samser, aged about

...2...

52 years, s/o Late Shri Noorali
All R/ø Bazar Pada P.O. Ullu
Bedia District - Hawara (W.B.)

5. Murshida Khatun D/o Late Abbdul Munaf, aged about 35 years, w/o Shekh Mansoor Ali, R/o village Pakudia, Ramchandrapur P.O. Bagarda, Distt. Hawara (W.B.)

6. Noor Jahan D/o Shekh Noorali w/o Majahar Mulla, aged about 49 years, R/o Passmul. P.O. Kasmul Distt. Howara (W.B.)

7. Sheikh Hussain s/o Late Sheikh Noorali, aged about 57 years, R/o village Risada Tah & Distt. Korba (C.G.) (Defendant No.2)

8. State of Chhattisgarh through Collector Korba (C.G.)
(Defendant No.3)

CIVIL-REVISION U/S 115 CODE OF CIVIL PROCEDURE, 1976 (AMEND ACT -2002) VALUED AT RS. 25,300/-.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...C.R. 173/03 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15/03/2005

Shri Amiya Kant Tiwari, counsel for the applicants.

The applicants have preferred this revision against the impugned order dated 10/03/2003 in M.C.A. No. 02/2002 passed by Additional District Judge, Korba arising out of the order dated 05/11/99 in Civil Suit No. 372-A/94 and order dated 12/12/2001 passed in M.J.C. No. 01/2000 for setting aside the abatement of Civil Suit No. 372-A/94 by learned First Civil Judge Class-I, Korba and by which the applications preferred by the applicants has been dismissed.

Learned counsel for the applicants submits that in view of the proviso to Section 115 of CPC and the law laid down by the Apex Court in the case of ***Surya Devi Rai Vs. Ram Chander Rai and Others reported in (2003) Vol. 6, SCC 675 as well as in the case of Shiv Shakti Coop. Housing Socieity, Nagpur Vs. Swaraj Developers and Others reported in (2003) 6 SCC 659*** , the instant revision is not maintainable and therefore he seeks to withdraw the same with liberty to file appropriate proceedings available under the law.

In view of the submissions made by the counsel for the applicants, the revision petition is dismissed as not maintainable with liberty as prayed for.

Sd/-
Dhirendra Mishra
Judge

(पीछे देखिये)